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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/720,609      | 12/26/2000  | Masaki Aoki          | NAK1-BN46           | 2430             |

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SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

EXAMINER

YUN, JURIE

ART UNIT PAPER NUMBER

2882

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT

PAPER

20050225

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## Commissioner for Patents

The IDS filed 1/7/04 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. In particular, it fails to state either (1) that each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or (2) that no item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR 1.56c more than three months prior to the filing of the statement.

Applicant's information disclosure statement of 2/7/05 was filed after the issue fee was paid. Information disclosure statements filed after payment of the issue fee will not be considered, but will be placed in the file. However, the application may be withdrawn from issue in order to file a request for continued examination (RCE) under 37 CFR 1.114 upon the grant of a petition under 37 CFR 1.313(c)(2), or a continuing application under 37 CFR 1.53(b) (or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the CPA is for a design patent and the prior application of the CPA is a design application) upon the grant of a petition filed under the provisions of 37 CFR 1.313(c)(3). Alternatively, the other provisions of 37 CFR 1.313 may apply, e.g., a petition to withdraw the application from issue under the provisions of 37 CFR 1.313(c)(1) may be filed together with an unequivocal statement by the applicant that one or more claims are unpatentable over the information contained in the statement. The information disclosure statement would then be considered upon withdrawal of the application from issue under 37 CFR 1.313(c)(1).

EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER